

Application No. 10/698,070

Reply to Office Action

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The Pending Claims

Claims 1-26, 35-43, 45, and 46 are pending, which claims are directed to a composition for the inhibition of the translation of a Mect1-MAML2 chimeric gene. Claims 7 and 17 currently are withdrawn.

Amendments to the Claims

Claims 1 has been amended to more clearly recite a fragment of a nucleic acid encoding SEQ ID NO: 12 (e.g., the amino acid sequence of the Mect1-MAML2 protein). Claim 1 also has been amended to more clearly state that the fragment is about 17-32 nucleotides in length, and that the nucleic acid complementary to the fragment can, optionally, comprise 1-10 base substitutions. Each of these amendments are supported by the original claims (e.g., original claims 1 and 2) and the specification, for example, at page 6, paragraph 18). Claims 2-26 and 35-39 have been amended to more properly comply with claim 1 from which they depend, and to clarify certain claim language.

Claim 40 similarly has been amended to recite a fragment of a nucleic acid encoding SEQ ID NO: 12. Claims 41-43, 45, and 46 depending therefrom have been amended to reflect the changes to claim 40. Claim 44 has been deleted.

No new matter has been added by way of these amendments.

Summary of the Office Action

The Office rejects claims 1-3, 5, 8-15, 18-26 and 35-46 under 35 U.S.C. § 112, first paragraph, as allegedly lacking adequate written description. The Office further requires the cancellation of all non-elected claims and non-elected sequences.

The Office objects to claims 6 and 16 as depending from a rejected base claim; however, the Office indicates that claims 6 and 16 would be allowable if rewritten in independent form omitting non-elected sequences.

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The Office Action Summary sheet indicates that claim 4 was rejected; however, claim 4 was not listed under any of the outstanding rejections detailed in the Office Action.

Reconsideration of these rejections is hereby requested.

Discussion of the Written Description Rejection

The Office contends that the specification lacks written description for sequences with varying degrees of homology (10%-99%) to SEQ ID NO: 1. The Office contends that such homologous sequences could encode proteins that are quite different from the MECT1-MAML2 chimeric protein (e.g., SEQ ID NO: 12).

All pending claims, as amended, recite a fragment of a nucleic acid that encodes SEQ ID NO: 12 (e.g., the amino acid sequence of the MECT1-MAML2 chimeric protein). The pending claims, thus, each recite a fragment of a nucleic acid that encodes the MECT1-MAML2 chimeric protein. The amended claims, therefore, satisfy the Office's concerns in this respect. Accordingly, the rejection of the claims as lacking written description is overcome and should be withdrawn.

Discussion of the Non-Elected Subject Matter

The Office previously acknowledged that claim 1 links all of the non-elected subject matter with the subject matter that was elected for prosecution, and is, thus, a "linking claim" (see pages 3-4 of the Office Action dated August 24, 2005). Applicants therefore request, upon a finding that claim 1 is in condition for allowance, that the restriction requirement as to the linked inventions be withdrawn.


Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,



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